

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL H. KALINER, as Chapter 7 Trustee for  
BARRON ATM, LLC,

Plaintiff,

Civil Action No.  
07 Civ. 4643 (LMM)

v.

MT. VERNON MONETARY MANAGEMENT  
CORP. d/b/a MVMM CORP., MT. VERNON  
MONEY CENTER CORP. d/b/a MVMC  
CORP., and BARRON ATM CORP.,

Defendants.

x

**REPLY AFFIDAVIT OF ROBERT F. EGAN IN FURTHER SUPPORT  
OF DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

STATE OF NEW YORK      )  
                            )  
                            ) ss:  
COUNTY OF NEW YORK    )

ROBERT F. EGAN, being duly sworn, deposes and says:

1. I am the president, sole shareholder and sole director of Defendants MVMM Corp. (incorrectly named in the Complaint as "Mt. Vernon Monetary Management Corp. d/b/a MVMM Corp."), Mount Vernon Money Center Corp. (incorrectly named in the Complaint as "Mt. Vernon Money Center Corp."), and Barron ATM Corp. ("Barron Corp."). Barron Corp. owns and operates the ATMs acquired from Barron ATM LLC ("Barron LLC"). MVMM Corp. provides management, administrative, accounting and payroll services to corporations I wholly or partially own. Mount Vernon Money Center Corp. is in the business of servicing approximately 7250 ATMs, of which approximately 7000 are owned by third parties, and approximately 250 are owned by my companies, including the ATMs owned and operated by

Barron Corp. These services include replenishing the cash and servicing and repairing the machines. Mount Vernon Money Center Corp. also provides on-site payroll services and armored deliveries.

2. I am also the owner or partial-owner of several other companies engaged in check cashing, security systems, owning and operating ATMs and farming.

3. I make this affidavit in support of Defendants' motion to dismiss the Complaint. I have personal knowledge of the events described herein.

4. Plaintiff implies that there was something nefarious about my organizing Barron Corp. as a separate corporation. Plaintiff has obviously never operated within the business world himself. There are many perfectly legitimate business reasons to incorporate a separate entity to acquire assets from another corporation, and, in fact, this is the prevailing practice in the business world. And I certainly had no wrongful purpose here.

5. Barron Corp. is not an alter ego of MVMM Corp. or Mount Vernon Money Center Corp.

6. Barron Corp., MVMM Corp. and Mount Vernon Money Center Corp. are all separately incorporated entities, each duly organized under the laws of the State of New York.

7. Mount Vernon Money Center Corp. charges Barron Corp. for the cash replenishment and service and repair calls its provides to Barron Corp., and these intercompany transactions are recorded on the books and records of both companies.

8. Unfortunately, Barron Corp. has never generated a profit. Therefore, Mount Vernon Money Center Corp. advances funds to or on behalf of Barron Corp. At the end of each year there is a reconciliation that includes a capital contribution by me to Mount Vernon Money

Center Corp. to cover any monies owed by Barron Corp. to Mount Vernon Money Center.

9. I am advised by my attorneys that this is not the time or place to discuss the merits of Plaintiff's other claims, but I would like to state for the record that Barron Corp. never reached an agreement with Barron LLC regarding price.

10. I respectfully request that the Court grant Barron Corp.'s motion.



Robert F. Egan

Sworn to before me this  
10<sup>th</sup> day of October 2007



Isidore Zimmerman  
Notary Public

ISIDORE ZIMMERMAN  
Notary Public, State of New York  
No. 4505754  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires July 31, 2009

# **EXHIBIT A**

# NYS Department of State

## Division of Corporations

### Entity Information

---

Selected Entity Name: BARRON ATM CORP.

#### Selected Entity Status Information

**Current Entity Name:** BARRON ATM CORP.

**Initial DOS Filing Date:** SEPTEMBER 12, 2002

**County:** WESTCHESTER

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

BARRON ATM CORP.

403 E. 3RD ST.

MT. VERNON, NEW YORK, 10553

**Chairman or Chief Executive Officer**

ROBERT F EGAN

403 EAST THIRD STREET

MOUNT VERNON, NEW YORK, 10553

**Principal Executive Office**

ROBERT F EGAN

403 EAST THIRD STREET

MOUNT VERNON, NEW YORK, 10553

**Registered Agent**

NONE

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#)

[New Search](#)

[Division of Corporations, State Records and UCC Home Page](#) [NYS Department of State Home Page](#)

# NYS Department of State

## Division of Corporations

### Entity Information

Selected Entity Name: MOUNT VERNON MONEY CENTER CORP.

#### Selected Entity Status Information

**Current Entity Name:** MOUNT VERNON MONEY CENTER CORP.

**Initial DOS Filing Date:** JULY 24, 1987

**County:** WESTCHESTER

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

MOUNT VERNON MONEY CENTER CORP.

403 E 3RD ST

MT VERNON, NEW YORK, 10553

**Chairman or Chief Executive Officer**

ROBERT F EGAN

403 EAST 3RD ST

MT VERNON, NEW YORK, 10553

**Principal Executive Office**

MOUNT VERNON MONEY CENTER CORP.

403 E 3RD ST

MT VERNON, NEW YORK, 10553

**Registered Agent**

NONE

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#)

[New Search](#)

[Division of Corporations, State Records and UCC Home Page](#) [NYS Department of State Home Page](#)

# NYS Department of State

## Division of Corporations

### Entity Information

Selected Entity Name: MVMM CORP.

#### Selected Entity Status Information

**Current Entity Name:** MVMM CORP.

**Initial DOS Filing Date:** JUNE 26, 1992

**County:** WESTCHESTER

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

MVMM CORP.

403 EAST THIRD STREET

MT. VERNON, NEW YORK, 10553

**Chairman or Chief Executive Officer**

ROBERT F. EGAN

403 EAST THIRD STREET

MT. VERNON, NEW YORK, 10553

**Principal Executive Office**

ROBERT F. EGAN

403 EAST THIRD STREET

MT. VERNON, NEW YORK, 10553

**Registered Agent**

NONE

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#)

[New Search](#)

[Division of Corporations, State Records and UCC Home Page](#) [NYS Department of State Home Page](#)